

Subject: Aggregate Minerals Site Allocations Development Plan Document (DPD) - Results of the Site Appraisals

**Cabinet Member: Fleur de Rhé-Philippe
Economic Development and Strategic Planning**

Key Decision: Yes

Executive Summary

A consultation ending in October 2010 on 62 initial site options throughout Wiltshire and Swindon resulted in a high number of responses, particularly from the Calne area. Following consultation, 40 of the initial site options were dropped from further consideration on the basis that they would have overriding environmental constraints or were withdrawn by the landowner, leaving 22 site options for further assessment.

The assessments have now been completed and are in the process of being made available on the Council's website. A summary of the results of the assessments, and how they relate to sustainability criteria, can be found in **Appendix 1** of this report.

From the findings of the detailed assessments it is clear that Wiltshire and Swindon's contribution to national and regional forecasts for sand and gravel, at 1.85 million tonnes per annum, cannot be met. The results of the assessments, recent levels of production and dialogue with the minerals industry indicate that a local forecast of 1.2 million tonnes per annum should be used as the basis for finalising the list of site options in the emerging Aggregate Minerals Site Allocations Development Plan Document (herein referred to as the Minerals Sites DPD). It is also proposed that the site options identified in Option 2 of **Appendix 2** are used as the basis for site allocations in the Minerals Sites DPD.

Proposals

That Cabinet agrees:

- (i) A local forecast rate of 1.2 million tonnes per annum is used as the basis for making provision in the emerging Aggregate Minerals Sites Allocations DPD.
- (ii) The sites identified in Option 2 of **Appendix 2** are carried forward into the proposed submission draft Aggregate Minerals Site Allocations DPD.

- (iii) All remaining site options not included in Option 2 of **Appendix 2** are dropped from further consideration.
- (iv) To note that a proposed submission draft Aggregate Minerals Site Allocations DPD will be presented to Cabinet in September 2011 for approval to commence formal consultation for a period of six weeks.

Reason for Proposals

To ensure that an appropriate level of provision for sand and gravel extraction is established for Wiltshire and Swindon, in accordance with national and local policy and sufficient sites are identified to meet this requirement. Once adopted, the Aggregate Minerals Site Allocations DPD will form part of the Council's policy framework.

MARK BODEN

Corporate Director
Department of Neighbourhood and Planning

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Purpose of Report

1. The purpose of this report is to:
 - (i) Inform Cabinet of the findings of detailed assessments undertaken on the remaining 22 site options for sand and gravel extraction.
 - (ii) Seek Cabinet approval for a revised local forecast rate of 1.2 million tonnes per annum, to be used as the basis upon which to prepare the proposed submission draft Minerals Sites DPD.

Background

2. Evidence shows that a shift in the pattern of aggregates supply within Wiltshire and Swindon is likely to occur during the plan period up to 2026. The adopted Minerals Core Strategy predicts that the tipping point for this change relates to the future of extraction in the Upper Thames Valley, where large-scale sand and gravel extraction has taken place since the 1960's. This intensive extraction has left a diminished resource significantly reducing the options for future minerals development in Wiltshire and Swindon. This view is reinforced by the fact that since 2004 the minerals industry has not been able to identify and put forward for consideration, sufficient land to meet forecast demand. This is not a result of reticence on their part but simply a confirmation of what the evidence is indicating in terms of resource availability and the level of constraint.
3. Since the late 1970's, forecasts of aggregates demand have been prepared by central government on a region by region basis which are then, based on the technical advice of the Regional Aggregates Working Party (RAWP), broken down to sub-regions (generally at a county or unitary level). Despite the government's intention to abolish the regional tier of the development plan, it was advised in 2010 that the technical advice of the RAWP should still be used as the basis for forecasting future provision rates and allocating sites.
4. Funding for the Regional Planning Body (RPB) ceased in September 2010, leaving the work to revise and update the current sub-regional apportionment unfinished. Although, at the request of central government, the RAWP was given the task of completing the work, it did not have sufficient funds to

complete the sub-regional apportionment process and so submitted the unfinished revised sub-regional apportionment figures to central government for consideration. For Wiltshire and Swindon, the draft revised sub-regional apportionment for sand and gravel is 1.41 million tonnes per annum. Central government has not, at the time of writing this report, provided a response to this work. Furthermore, funding for the RAWPs has now been withdrawn as of 31 March 2011. This essentially means that the South West RAWP ceases to exist, unless alternative funding can be sourced by RAWP members (the industry and local authorities), from this point forward.

5. In order to determine whether the regional forecast rate can be maintained, or whether there is a need for a lower level of delivery in Wiltshire, the Councils undertook an extensive constraints sieving exercise of the five mineral resources zones in Wiltshire and Swindon to identify further initial site options in addition to those put forward by the minerals industry. The results of the sieving exercise demonstrated that significant areas of unexploited resource are highly constrained and/or inaccessible. However, through this exercise owners of potentially mineral bearing land were contacted and a total of 62 site options were put forward for consideration.
6. The consultation undertaken during 2010 on these 62 site options resulted in a high number of responses, particularly around the Calne area. By consulting on all site options, the Councils are in a strong position to develop evidence to justify an appropriate level of apportionment for Wiltshire and Swindon. This has allowed the Council to fully test Wiltshire's and Swindon's ability to make full provision at a rate of the current 1.85 million tonnes or revised draft rate of 1.41 million tonnes per annum.
7. Following consultation, 40 of the initial site options were dropped from further consideration on the basis that they would have overriding environmental constraints or were withdrawn by the landowner, leaving 22 site options for further assessment. Those assessments have now been completed and are in the process of being made available on the Council's website. A summary of the results of the assessments, and how they relate to sustainability criteria, can be found in **Appendix 1** of this report.
8. Evidence used to support the Minerals Core Strategy demonstrated that a decline in production in the Upper Thames Valley is unlikely to be met entirely by other resources within the plan area and that the minerals industry are likely to look to areas outside of Wiltshire and Swindon where better quality resource with a higher yield per hectare could be achieved. This view has been reaffirmed through dialogue with representatives of the minerals industry; through the results of the sieving exercise; and the consultation in 2010. Therefore any shift in the current pattern of supply will almost certainly result in a permanent decline in levels of sand and gravel extraction from within the plan area compared to that of the past 20 years. Ultimately, the pressure to meet any shortfall in supply from Wiltshire and Swindon is likely to be felt in neighbouring authorities. It is important that the impact of this change is managed effectively, so that other areas are able to manage any increase in demand arising as a result of Wiltshire delivering lower levels. The Council will therefore need to continue to work with neighbouring authorities and the minerals industry to ensure that any negative effects are minimised.

Main Considerations for the Council

9. National policy states that sub-regional apportionments should not be regarded as inflexible and requires minerals planning authorities to “test the practicality and environmental acceptability of policy proposals at the local level” (see Minerals Policy Statement 1, paragraph 3.8). The councils have taken all reasonable steps to ensure that the capacity of the plan area to deliver the requirements of the sub-regional apportionment has been fully tested against relevant sustainability criteria. The further assessments represent the final stage in testing the suitability of the site options before a draft Minerals Sites DPD can be prepared. From this it is clear that the current sub-regional apportionment of 1.85 million tonnes per annum for the period 2010 – 2026 cannot be met without the allocation of highly constrained and potentially unsuitable sites.
10. During the past nineteen¹ years production in Wiltshire and Swindon has not come close to matching the current sub-regional apportionment of 1.85 million tonnes per annum. The average annual production for this period equates to 1.09 million tonnes per annum. In the absence of the Regional Planning Body and subsequently the RAWP, the Minerals Products Association (representing the majority of minerals companies operating in Wiltshire and Swindon) has recently suggested that it would support an approach whereby local authorities base their provision rate on the average of the past 10 years production². For Wiltshire and Swindon, this would equate to a local forecast rate of 1.2 million tonnes per annum. It is therefore reasonable to conclude that a local forecast of 1.2 million tonnes per annum more closely reflects recent demand than figures derived from national and regional forecasts.
11. However, those site options that are considered suitable for extraction and have industry support, at this time, would only provide approximately 60% of the overall need required to meet a local forecast rate of 1.2 million tonnes per annum. Therefore, in order to meet the local forecast rate it will be necessary to include sites which do not currently have industry backing. Although this approach could potentially be seen as undermining the overall deliverability of the Minerals Sites DPD, it offers a practical solution by providing the necessary plan led steer for the minerals industry, should circumstances change during the plan period. The alternative would be to identify fewer sites which could mean that speculative applications are brought forward in areas outside of those considered to be the most suitable for development. These two options can be summarised as:
 - **Option 1** - Allocate only those sites that are considered suitable with minerals industry support.
 - **Option 2** - Allocate sites that are considered suitable with industry support together with those site options which the Council believe to be the most suitable for development that are not currently being promoted by the industry.

Details of what the above options would mean in terms of site allocations are provided in **Appendix 2**.

¹ The Council's record of production covers the period 1991 – 2009.

² Minutes of South West RAWP meeting dated 14 March 2011.

12. It is recommended that option 2 should be taken forward on the basis that it will ensure that the Councils can plan to meet a reasonable apportionment and will provide greater certainty for local communities and developers as to where new sites should come forward. It is also considered to better reflect actual demand, taking into account a gradual, managed decline in production in the Upper Thames Valley as predicted in the Minerals Core Strategy.

Next steps

13. It is recommended that a proposed submission draft Minerals Sites DPD is presented to Cabinet in September 2011 for approval to commence formal consultation. This would meet with the requirements of the Adopted Statement of Community Involvement and thereby avoid consulting during the summer holiday period. However, the proposal would still offer sufficient time, following consultation, to submit the draft Minerals Sites DPD to government for independent examination by the end of the year, as timetabled.

Environmental and Climate Change Considerations

14. The proposals in this report have been, and will continue to be, subject to sustainability appraisal to ensure that environmental and climate change implications will have been fully considered and minimised and that effects of a changing climate will be taken into account.

Equalities Impact of the Proposal

15. There are considered to be no equality impacts arising as a result of the proposals in this report. An Equalities Impact Assessment (EIA) is not required at this stage of the plan making process, but will be completed once the final document is submitted to government.

Risk Assessment

16. The key risks associated with the preparation of this Minerals Sites DPD are:
 - (i) The Government may not accept the proposal to reduce the provision rate within Wiltshire and Swindon. This could delay proceeding to examination due to insufficient sites being found. However, in taking an evidence based approach to establishing a reasonable new rate of aggregates provision for Wiltshire and Swindon, this risk can be reduced.
 - (ii) Following independent examination, a legal challenge could be made on the process leading to the adoption of the Minerals Sites DPD.
17. Between now and the publication of the proposed submission draft Minerals Sites DPD, a full audit of the process and evidence will be undertaken to ensure full compliance with planning policy and legislation and minimise the risk of the Minerals Sites DPD being found unsound or subject to legal challenge.

Financial Implications

18. The cost of preparing the Minerals Sites DPD will be met by existing and planned budget commitments.

Legal Implications

19. The project is currently at the Regulation 25 stage of the Town and Country Planning (Local Development) (England) 2004 Regulations (as amended). The requirements of this stage are essentially to gather evidence and consult those likely to have an interest in the proposed Minerals Sites DPD. The purpose of this evidence gathering stage is to ensure that a draft Minerals Sites DPD, when submitted to the Secretary of State, represents the most appropriate option having considered all reasonable alternatives, and can be considered sound. The Regulation 25 stage does not end until the Council prepares the proposed submission draft Minerals Sites DPD for consultation. The steps undertaken to date and those proposed in this report are fully compliant with legal requirements.

Options Considered

20. Two Options have been considered in this report:
 - (i) **Option 1** - Allocate only those sites that are considered suitable with minerals industry support. This option is most likely to be deliverable but the resultant output will be significantly short of the requirement of the current sub-regional apportionment rate and the proposed local forecast of future demand. It reflects the views of the minerals industry, at this point in time, and is unlikely to result in unnecessary local concern in the short-term. However, the factors that determine the viability of sites can also change over time. Therefore, the promotion of this option is likely to lead to a greater chance that un-anticipated applications for mineral extraction could be submitted outside of the allocated sites.
 - (ii) **Option 2** - Allocate sites with industry support plus those site options which the Council believe to be suitable should the need arise during the plan period. This offers the most pragmatic approach and should result in a provision that more closely matches the local forecast rate of 1.2 million tonnes per annum. This option should also provide a good basis for managing proposals for minerals development outside of the allocated sites - i.e. by providing an alternative, preferred location. However, even industry supported sites are not guaranteed to come forward within a given plan period. This means that less confidence can be afforded to those sites in a plan that does not have industry support. If this option is chosen, it is proposed that it is clearly indicated which sites are considered to be of interest to the minerals industry and therefore are deliverable and those which are not currently supported by the industry but could come forward for development, should circumstances change.

Conclusions

The evidence clearly shows that Wiltshire and Swindon cannot make provision at 1.85 million tonnes per annum. Option 2 should be taken forward on the basis that it will ensure that the Councils can plan to meet a reasonable apportionment and will provide greater certainty for local communities and developers as to where new sites should come forward. It also reflects a gradual, managed decline in production in the Upper Thames Valley in real terms (as opposed to regional forecast rates), as predicted in the Minerals Core Strategy.

In line with the resolution of Cabinet on the 22 March 2011, the Director of Economy and Enterprise and Cabinet Member, in consultation with their counterparts in Swindon, should now write to Central Government notifying them of the provision that can be met for the period to 2026.

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Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

- Appendix 1 - A summary of the results of the assessments, and how they relate to sustainability criteria
- Appendix 2 - Site options that would be carried forward to Minerals Sites DPD